

Executive Registry

22 AUG 1978

178-4379/5

MEMORANDUM FOR: Director of Central Intelligence

VIA: Deputy Director for Administration

FROM:
Acting Director of Security

SUBJECT: Briefcase Inspections

REFERENCE: Memo to DDA fr DCI, dtd 31 Jul 78,
Subject as above

1. Action Requested: None; for information only.

2. Background: The referent asks whether the Federal Protective Officers (FPO's) assigned to this Agency are allowed to ask our employees to open their briefcases and whether Office of Security representatives are allowed to open packages marked "Personal" while conducting surprise briefcase inspections.

The Federal Protective Officers have the authority to inspect briefcases or packages carried by any person entering Agency buildings in order to ensure that prohibited items are not being brought in. These items include such things as cameras, recording or transmitting equipment, weapons, bombs, and incendiary devices. The FPO's also have the authority to stop anyone departing the Agency buildings carrying a package which the Officer suspects might contain Government property. Checks for the presence of classified material are conducted by Office of Security representatives during the course of surprise briefcase/package inspections. Security Officers are stationed beside the FPO's and divert employees carrying briefcases, packages, tote bags, etc., off to one side where they can question the employee while the FPO continues to monitor all persons entering or departing a building.

According to the General Services Administration, an extension of FPO authority to permit them to perform searches for classified material would require a written

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request to the General Services Administration, a specific delegation of authority to the FPO's from this Agency, and a formal acceptance of Agency responsibility for the acts of the FPO's in making these inspections. A backup Agency presence available to report to the entrance where classified material has been found would be required in order that judgments could be made and appropriate action taken. The Office of General Counsel is currently discussing the feasibility of such an arrangement with the legal counsel of the General Services Administration.

On the question of whether Office of Security (OS) representatives are allowed to open packages marked "Personal," each OS inspector is required to operate under the guidance provided by the Office of General Counsel. In providing this guidance, the General Counsel has made it very clear that briefcase inspections are legal only if they are conducted on a consensual basis. Our OS inspectors, therefore, have inspected "personal" packages but only after obtaining the consent of the individual before doing so. To date, we have received no refusals to permit inspections for this reason. Under current procedures, an inspector faced with such a refusal would not open the package. The matter of the refusal would be resolved through Security and command channels.

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